

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY , AUGUST 25 , 1992

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE  
COUNCIL CHAMBERS Tuesday EVENING August 25, 1992,  
IN Regular SESSION. PRESIDENT Thomas C. Henry  
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND  
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE  
FOLLOWING MEMBERS \_\_\_\_\_ VIZ:

BRADBURY P, EDMONDS P, GIAQUINTA P,  
HENRY P, LONG P, LUNSEY P,  
RAVINE P, SCHMIDT P, TALARICO P,

ABSENT: \_\_\_\_\_

COUNCILMEMBER: \_\_\_\_\_  
\_\_\_\_\_

THE MINUTES OF THE LAST REGULAR August 11, 1992,  
\_\_\_\_\_, 19\_\_\_\_\_,

SPECIAL \_\_\_\_\_, 19\_\_\_\_\_,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.



# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

August 5, 1992

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

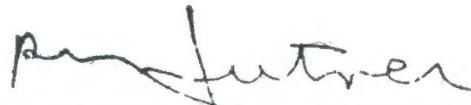
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-05-25

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
5th day of August 1992.

  
\_\_\_\_\_  
Robert Hutner  
Secretary

/pb

CC: File

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802

**FACT SHEET**

Z-91-05-25

BILL NUMBER

**Division of Community  
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		
From B1B & R1 to B3B		

**DETAILS**

Specific Location and/or Address  5405 Illinois Rd	
Reason for Project  To broaden the range of perspective tenants for this property.	
Discussion (Including relationship to other Council actions)  <u>17 June 1991 - Public Hearing</u>  Mike Byerley, petitioner, appeared before the Commission. Mr. Byerley stated that he was requesting the rezoning in order to bring the approximately 150 foot of the rear of this property into the current zoning as that of the rest of the properties surrounding it. He stated that he also wanted the reclassification to broaden the range of perspective tenants for this property.  Yvonne Stam questioned where the R-1 was located on the property to be rezoned.  Larry Maglizzzi, Senior Planner with C&ED, stated that in researching this area last year they discovered that in comparing all of the legal descriptions for the area they came up with this sliver of land about 25 feet long on this property that had not been included in the descriptions. He stated that it was just an oversight of the past rezonings.  David Long questioned if they had any current use for the property.	

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide  Other Areas
Applicants/ Proponents	Applicant(s) BMRR Properties Corporation City Department  Other
Opponents	Groups or Individuals  Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
Board or Commission Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS**

Mr. Byerley stated that the structure is currently vacant and for rent. He stated most recently Tomkinson Motors showed interest in using the rear of half of the property to display some of their cars for sale. He stated that they have also had a veterinarian show interest in the structure.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

26 August 1991 - Business Meeting

Motion was made and carried to return the ordinance to the Common Council with a DO PASS recommendation with the following condition:

The petitioner(s) provide a recordable document, in a form acceptable to the Plan Commission's attorney, that grants a 40 foot wide ingress/egress easement across or through the property as needed to be used as a frontage road. The location and geometrics of such road shall be approved by the Street Engineering, Traffic Engineering and Community & Economic Development department.

Of the eight (8) members present, seven (7) voted for the motion, one (1) did not vote.

Motion carried.

NOTE: This ordinance has been held until the condition was satisfied. The document

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

was recorded on July 30, 1992.

**Project Start**

Date 16 April 1992

**Projected Completion or Occupancy**

Date 6 August 1992

**Fact Sheet Prepared by**

Date 6 August 1992

Patricia Biancaniello

**Reviewed by**

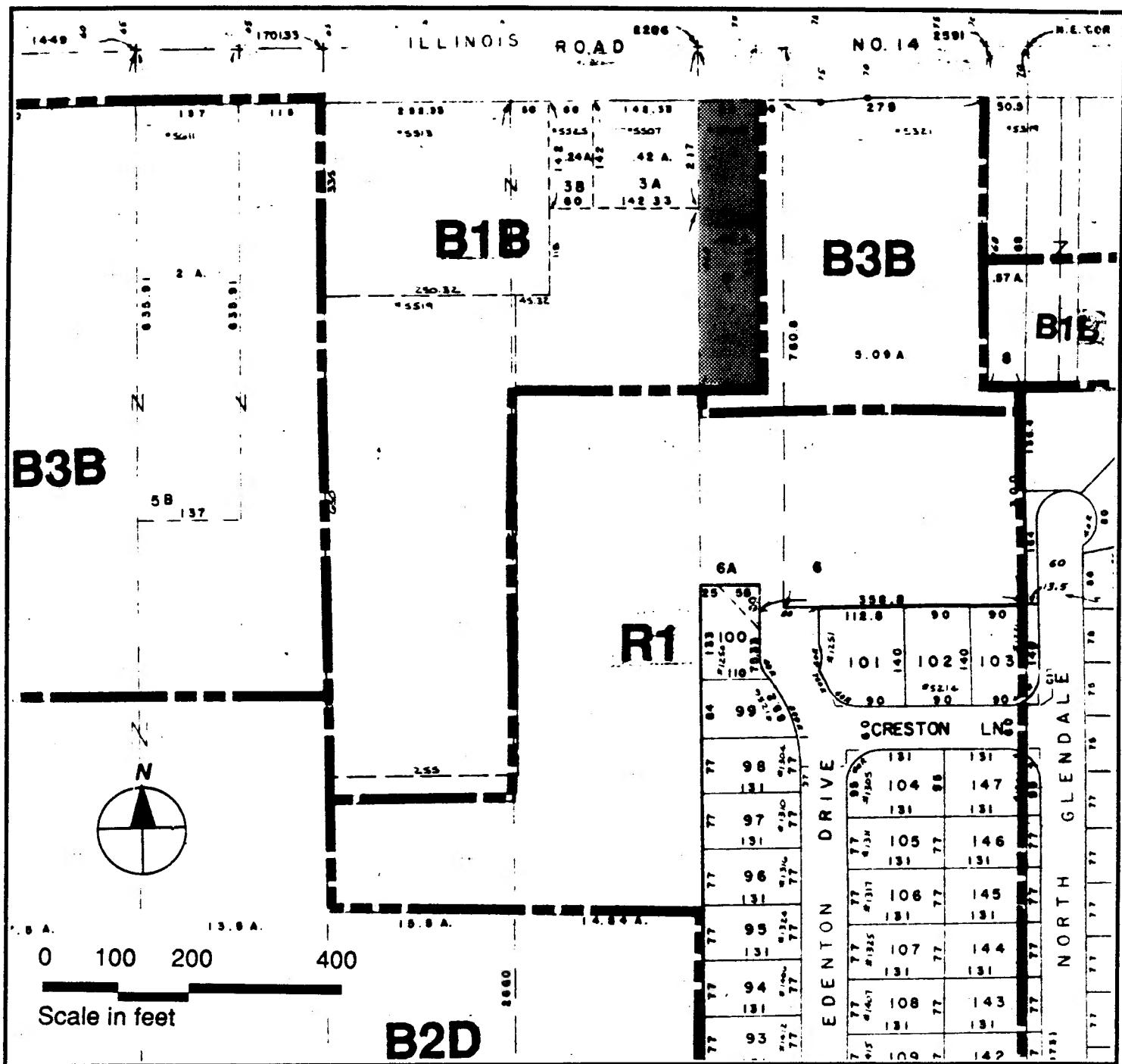
Date 6 AUGUST 1992

**Reference or Case Number**

# REZONING PETITION

## AREA MAP

CASE NO. #473



COUNCILMANIC DISTRICT NO. 4

Map No.: E-2  
LW 4-24-91

R1	One-Family
R2	Two-Family
R3	Multi-Family
RA/RB	Residential
PUD	Planned Unit Dev.

B1	Limited Business
B2	Planned Shopping Center
B3	General Business
B4	Roadside Business
POD	Professional Office District

M1	Light Industrial
M2	General Industrial
M3	Heavy Industrial
MHP	Mobile Home Park

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 28, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-05-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 20, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

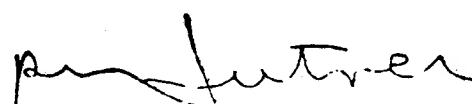
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1991.

Certified and signed this  
5th day of August 1992.

  
\_\_\_\_\_  
Robert Hutner  
Secretary

Michael E. Byerly agent for B.M.R.R. Properties Corp., requests a change of zone from B-1-B and R-1 to B-3-B.

Location: 5405 Illinois Road

Legal: The N 468' of the E 80' of the W 2286' of the NE  $\frac{1}{4}$  of Section 7, Township 30 N, Range 12 E.

Land Area: Approximately 0.86 acres

Zoning: B-1-B and R-1

Surroundings:

North	County	Commercial
South	R-1	Residential & Open
East	B-3-B	Automobile Dealership
West	B-1-B	Commercial & Offices

Reason for Request: Not stated on the petition.

Neighborhood Assoc.: Westmoor Association

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the West Sector of the Outer Ring. The goal of the West Sector is to contain growth to the Urban Service Area.

This area of Illinois Road is an existing commercial strip which has an existing frontage road which should be part of any approval for development along this strip.

Landscape: No comment.

#### Planning Staff Discussion:

This site is immediately adjacent to an automobile dealership on the south side of Illinois Road. It was the former home of the Fort Wayne Eye Clinic.

The requested zoning is compatible with the established patterns along this area of Illinois Road. The B-3-B designation is presently adjacent to this site on the east side, and within

approximately 500 feet to the west.

While the request could increase the intensity of permitted uses, the potential increased intensity can be supported with the inclusion of the frontage road concept. Per the policies of the Plan Commission, this area of Illinois Road has been viewed as supporting commercial development if frontage road provisions are incorporated. The use of the frontage road concept along this corridor will increase traffic flow safety, and add to the convenience of the motoring public.

Recommendation: Conditional Approval, contingent upon the petitioners providing a recordable document, in a form acceptable to the Plan Commission's attorney, that grants a 40 foot wide ingress/egress easement across or through the property as needed to be used as a frontage road. The location and geometrics of such road shall be approved by the Street Engineering, Traffic Engineering and Community & Economic Development departments;



# MEMORANDUM

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TO: City Council Members

FROM: Greg Purcell, Director, Community and Economic Development

DATE: August 11, 1992

SUBJECT: Recommendation from Plan Commission

The attached land use petition has been reviewed by the Fort Wayne Plan Commission and forwarded to you for final action. The Plan Commission's recommendation on each case, made after public hearing and review, has been certified by the Commission's Secretary and is summarized on the attached "Fact Sheet".

Occasionally, there will be a significant delay between the time the petition is filed and when the Plan Commission certifies its recommendation and forwards the case to you. This delay occurs when a petition receives "Conditional Approval" -- approval subject to the petitioner fulfilling certain obligations. In such cases the Plan Commission's staff holds the petition until all conditions have been met by the petitioner. Once all conditions have been satisfied, the case is forwarded to you. Specifically on this case, a recorded document was required as a condition of approval. This document was recorded on July 30, 1992.

As always, if you have any questions concerning the attached cases, please do not hesitate to call me or the Land Use Management staff at 427-1140.

/kp

1. Change of Zone - Bill No. Z-91-05-25

Amendment: From B1B & R1 to B3B

Location: 5405 Illinois Rd

Applicant: BMRR Properties Corporation

Proponents: Mike Byerley, petitioner

Opponents: None

Summary of Discussion: This rezoning would allow the petitioner to broaden the range of perspective tenants for this property.

Staff Recommendation: Do Pass

Plan Commission Recommendation: Do Pass

Recommendation Given: August 26, 1991

Committee Session Date: August 18, 1992

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular session, held on 25th day of August, 1992, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 8th day of August, 1992.

Sandra E. Kennedy  
City Clerk